IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

EDGAR HENRY

Petitioner,

v. **//** **CIVIL ACTION NO. 1:13CV217**
CRIMINAL ACTION NO. 1:08CR83-1
(Judge Keeley)

UNITED STATES,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 24]

On September 23, 2013, the pro se petitioner, Edgar Henry ("Henry"), filed a motion to vacate pursuant to 28 U.S.C. §§ 2255, which the Court referred to United States Magistrate Judge John S. Kaull for initial screening and a Report and Recommendation ("R&R") in accordance with LR PL P 2.

On November 21, 2014, Magistrate Judge Kaull issued a R&R, in which he recommended that the Court dismiss with prejudice Henry's petition as procedurally defaulted and barred on collateral attack (Dkt. No. 24 at 9-10). He further recommended that the Court reject Henry's ineffective assistance of counsel claim. Id. at 14.

The R&R also specifically warned Henry that his failure to object to the recommendation would result in the waiver of any appellate rights he might otherwise have on this issue. Id. at 20. The parties did not file any objections.[1] Consequently, finding no

[1] The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells

clear error, the Court **ADOPTS** the Report and Recommendation in its entirety (Dkt. No. 24), **DENIES** the motion to vacate (Dkt. No. 1), and **ORDERS** that this case be **DISMISSED WITH PREJUDICE** and stricken from the Court's active docket.

It is so **ORDERED.**

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: October 14, 2015.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).